

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.14147 of 2013(O&M)
Date of Decision:04.08.2022**

National Insurance Company Limited Petitioner

Vs.

Sukhbir Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Nitin Gupta, Advocate
for the petitioner.

None for the respondents.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this writ petition along with CM No.9362-CWP of 2013 under Order 41 Rule 27 CPC, assailing the order of the Permanent Lok Adalat dated 24.01.2013, vide which the petitioner has been directed to pay a sum of Rs.2,54,650/- to M/s Asian Travel Trade, Moti Bagh, New Delhi within 40 days of the completion of the formalities. All the documents were ordered to be handed over to the present petitioner, failing which, the present petitioner was held liable to pay interest @ 9% per annum from the date of institution of

petition under Section 22-C of the Legal Services Authority Act, 1987 till payment.

[2]. Respondent No.1 being owner of M/s Asian Travel Trade Company filed petition under Section 22-C of the Legal Services Authority Act, 1987 for a direction to the present petitioner to pay IDV of Rs.2,85,650/- in respect of his vehicle, which was stolen. The vehicle was unfortunately stolen in the night of 21.05.2011. FIR No.109 dated 21.05.2011 under Section 379 IPC was lodged in Police Station DLF Phase 2, Gurgaon.

[3]. The applicant after receipt of untraced report submitted the claim with the petitioner-Company, but the petitioner-Company declared the same to be not entertainable vide memo dated 27.01.2012. The declaration of no claim by the petitioner-Company was assailed before the Permanent Lok Adalat.

[4]. Evidently, the repudiation of the claim by the petitioner-Company was on account of the fact that the vehicle had already been sold. The Company was not informed promptly and there was violation of the terms and conditions of the insurance policy. The vehicle had no route permit.

[5]. Permanent Lok Adalat has found that M/s Asian Travel Trade is the registered owner of the vehicle in question. The vehicle has been duly insured. IDV of the vehicle is

Rs.2,55,650/-. The vehicle was stolen on 21.05.2011. The FIR was registered with the police and there was no delay in lodging the FIR. The objections with regard to no route permit and fitness certificate were negated. No such ground was pleaded in the written statement that the vehicle was further sold by the registered owner, except to make a reference of the statement of Sukhbir Singh owner of M/s Asian Travel Trade Company to Lakshman Dass Arora & Associates i.e. surveyor of the petitioner-Company. The said surveyor has not been examined before the Permanent Lok Adalat, nor was the said material produced before the Permanent Lok Adalat. No amount of evidence can be seen without any factual foundation in the pleadings.

[6]. Precisely, for the lapse in question, application under Order 41 Rule 27 CPC has been filed for leading evidence by way of producing theft investigation report dated 23.01.2012 i.e. statement of respondent Sukhbir Singh allegedly given to Lakshman Dass Arora and Associates on 22.12.2021 in the context of selling the vehicle to Mr. Devender son of Satpal Namberdar, R/o Nanakbas, District Mahendergarh on 10.05.2009.

[7]. Since the aforesaid document does not find place in the pleadings i.e. written statement filed before the Permanent Lok

Adalat, therefore, no amount of evidence can be looked into without there being any foundation in the pleadings to that effect. The vehicle in question is still in the name of the respondent-Company. Registered Cover has not been changed in the name of alleged buyer i.e. Mr. Devender son of Satpal Namberdar.

[8]. In view of aforesaid facts, I find no illegality in the impugned award passed by the Permanent Lok Adalat. This writ petition along with CM No.9362-CWP of 2013 is accordingly dismissed.

04.08.2022
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**